

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GREGORY HARRIS,

Petitioner,

-vs-

Case No. 8:06-CV-1582-T-27TGW

**SECRETARY, DEPARTMENT
OF CORRECTIONS,**

Respondent.

ORDER

BEFORE THE COURT are Petitioner's Motion for Certificate of Appealability and Motion for In Forma Pauperis for Appeal (Dkt. 121) and Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. 122). Upon consideration, the motions are **DENIED**.

Petitioner's motion appears to be directed to the August 10, 2009 denial of his original § 2254 amended petition. (Dkts. 37, 121). However, there is no order from which a certificate of appealability (COA) could be considered, and there is no pending appeal. And his prior applications for a COA from the denial of his original § 2254 amended petition were denied by this Court and Eleventh Circuit Court of Appeals. (Dkts. 42, 47, 48, 49). Moreover, on June 8, 2021, the Eleventh Circuit Court of Appeals dismissed his application seeking an order authorizing this Court to consider a second or successive petition for a writ of habeas corpus. (Dkt. 120). To the extent he requests a certificate of appealability to appeal that dismissal, the Court declines to issue one as the June 8, 2021 dismissal was entered by the Eleventh Circuit Court of Appeals, not this Court. In any event, Petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2).

Accordingly, because Petitioner is not entitled to a certificate of appealability, he is not entitled to appeal *in forma pauperis*.

DONE and ORDERED this 14th day of July, 2021.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
United States District Judge

Copy to: Petitioner, Counsel of Record, United States Court of Appeals, Eleventh Circuit